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SPEECH

by

THOMAS HART BENTON

MAY 26, 1849





EXTRA EVENING POST.

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Speech Delivered By

HON. THOMAS HART BENTON,

At Jefferson, The Capital of Missouri,

On the 26<sup>th</sup> May, 1849

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# EXTRA EVENING POST.

## SPEECH DELIVERED BY HON. THOMAS HART BENTON, AT JEFFERSON, THE CAPITOL OF MISSOURI,

*On the 26th MAY, 1849.*

The following speech was delivered by Senator Benton, at Jefferson, the Capitol of Missouri, on the 26th May last. The occasion for its delivery, and the purpose of its distinguished author, we need not detail, for they are fully set forth in the speech itself.

In laying this effort of Senator Benton before our readers, in a shape convenient for perusal and preservation, we feel called upon to direct public attention to some of its prominent features.

It is made clear in this speech, if there had been any doubt before on the subject, that not only was the right of the federal government under the constitution to prohibit slavery in its territories, even in those where it already existed, regarded by the early statesmen of the south as undeniable, but that even the prominent champions of the present extreme southern doctrine, have once held that opinion. That all Mr. Monroe's cabinet, including the members from the slave states—including even Mr. Calhoun—held that Congress had authority, under the federal compact, to abolish slavery in Louisiana, no man can doubt who has read the analysis which Mr. Benton gives of the evidence on this subject, and of the series of misrecollections, mistakes, and transpositions of events by which Mr. Calhoun has attempted to avoid the charge. Of course, that gentleman is made to figure among the early abolitionists by his relentless adversary, who shows him no quarter, and holds him up as a man to whom, whatever may be his present views, the anti-slavery party, if they regarded only his ancient services, might be almost moved to erect a statue. The truth is manifest, that the doctrines which the South Carolina senator now labors to establish, and which have been adopted by the Virginia legislature, are almost as new as the last new novel. They are the product of a mind which has wandered from subtlety to subtlety until it has entirely lost sight of the plain practical sense which guided the first interpreters of the constitution.

One of the ablest passages in the speech is Mr. Benton's examination of this doctrine that the slaveholder has a right to take his property with him in

emigrating to the territories. It is an admirable example of the superiority of good sense to mere ingenuity, and of the ease with which a strong mind tears in pieces a showy plausible.

If any thing could add value and weight to an argument so irresistible, it is that it is the argument of a southern man, of the representative of a slave state, of one who is himself a slaveholder, and who, doubtless, expresses opinions shared with him by numbers of the more unprejudiced and liberal-minded of that class. If this does not give the argument additional weight, it adds greatly to its importance. It shows the existence in that quarter of a spirit of candid dealing, of sincere respect for the constitution, and of regard for the welfare of the new communities to be founded on the Pacific, to which we may safely look for the wise and pacific settlement of this fierce controversy.

In reading this speech, however, we have been tempted to regret that Mr. Benton has not gone yet further, so far at least as to admit the expediency of prohibiting slavery in the territories. He holds that Congress has a right to enforce such a prohibition; he is against slavery, he tells us; he would resist its introduction into California and New Mexico; the ordinance of 1787 was a noble and a wise ordinance in his view, and the same policy which we then adopted in regard to the Northwestern Territory ought, he thinks, to be pursued in the government of the country acquired from Mexico. He believes, however, the express prohibition of slavery in these provinces to be necessary, since slavery does not now exist there, and cannot be introduced but by act of Congress, and he would not vote for a regulation which he thought to be simply superfluous.

But is a law unnecessary, we should ask Mr. Benton, the object of which is to end an angry controversy? He complains of the agitation of this question as disquieting the Union. The prohibition of slavery by Congress would effectually compose the agitation. When opinions are divided in regard to a point of existing law, declaratory statutes are often

passed by a legislature. On this question of the right to hold slaves in New Mexico, opinions are divided—not the opinions of shallow politicians merely, but the opinions of men who are looked up to as expositors of the constitution; the opinions of able and learned jurists. Can any man say how the question would be decided if it were to be brought before the Supreme Court of the United States? Mr. Benton may tell us how it ought to be decided; but can he give us any guaranty that his views would be adopted by the court? Under such circumstances, a formal assertion of the right of Congress over the question of slavery in the territories, and a declaration that the institution is unlawful within their limits, seems to us as far from superfluous and unnecessary as we can well imagine.

If the politicians and public men, and legislatures of the southern states, were all of the same opinion as Mr. Benton, there would be no occasion for the exercise of this right. It would then be acknowledged that slavery has not, and cannot have a legal existence in the new territories, and all public authorities, courts of justice and individuals, would govern them-

selves accordingly. To such a state of things, Mr. Benton's notion of the inutility of the prohibition of slavery in the territories is perfectly well suited. But as long as the right to hold slaves in the territories is asserted by a powerful party, holding an influence mighty beyond its actual numbers, and numerously represented on the Supreme Bench of the United States, it is very unsafe to leave the question as it now stands without any declaration of Congress on the subject.

Mr. Benton's argument, however, is well calculated for effect at the south. He tells the slaveholders that they cannot and ought not to resist the exclusion of slavery from the new territories; that its introduction would be a grievous wrong, which Congress has a right to prohibit, and that it is folly to agitate the question, with any hope of being able to propagate slavery in that quarter, inasmuch as slavery is forbidden by the present laws of those provinces, which are in force until repealed by Congress. Those who entertain these views certainly cannot make any strong opposition to the passage of a law expressly enforcing the exclusion of slavery.

JEFFERSON CITY, May 26, 1849.

CITIZENS! I have received certain resolutions from the General Assembly of Missouri, denying the right of Congress to legislate upon the subject of slavery in territories—asserting the right of the citizens of every state to remove to the territories, acquired by the blood and treasure of the whole Union, with their property—declaring it to be an insult to the states to exclude any of their citizens from so removing and settling with their property—alleging such insult to be the cause of alienation among the states, and ultimately of disunion; and instructing the senators of the state, and requesting its representatives to vote in conformity to the resolves so adopted.

These instructions, of which I now only give the substance, were adopted by the General Assembly after the adjournment of Congress, and after the time that it must have been believed that the subject to which they refer had been disposed of in Congress, and while other resolutions incompatible with them had been given by the previous General Assembly, and had been complied with by me, and were still on hand. They are a mere copy of the Calhoun resolutions offered in the Senate in February, 1847, denounced by me at the time as a fire brand, intended for electioneering and disunion purposes, and abandoned by him after their introduction, without ever calling a vote upon them, for a reason which will be hereafter shown. I produce them in order to justify the character I give of them, and to show them to be the original of those which I have received from the General Assembly of Missouri.

#### THE CALHOUN RESOLUTIONS.

“Resolved, That the territories of the United States belong to the several states composing this Union, and are held by them as their joint and common property.

“Resolved, That Congress, as the joint agent and representatives of the states of this Union, has no right to make any law, or do any act whatever that

shall, directly or by its effects, make any discrimination between the states of this Union; by which any of them shall be deprived of its full and equal right in any territory of the United States acquired or to be acquired.

“Resolved, That the enactment of any law which should directly or by its effects, deprive the citizens of any of the states of this Union from emigrating with their property into any of the territories of the United States, will make such discrimination, and would, therefore, be a violation of the constitution and the rights of the states from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of the Union, and would tend directly to subvert the Union itself.

“Resolved, That as a fundamental principle in our political creed, a people in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure liberty, prosperity and happiness; and that, in conformity thereto, no other condition is imposed by the federal constitution on a state, in order to her admission into this Union, except that its constitution be republican, and that the imposition of any other by Congress would not only be in violation of the constitution, but in direct conflict with the principle on which our political system rests.”

These resolutions were brought into the Senate, February 19, 1847, and are the prototype of those sent me by the General Assembly of Missouri. I see no difference in them but in the time contemplated for the dissolution of the Union—Mr. Calhoun's tending “directly” and those of Missouri “ultimately” to that point. In other respects they are identical, and this difference is not material, as the Missouri resolutions pledge the state to “co operate” with other slaveholding states, and therefore to follow their lead, which may be directly, as the Aecomac resolutions vouching to be the voice of the south, call for a state Convention, as soon as a bill can be passed for the purpose, to organize the mode of action. I consider the

Calhoun resolutions as the parent of those adopted by our Legislature, and entitled to the first attention; and in that point of view, shall speak to them first: and begin with an argument against it derived from the conduct of that gentleman himself.

In the year 1820, Mr. Calhoun was a member of Mr. Monroe's cabinet, and as such was required, by the President, in common with the rest of the cabinet, to give his opinion in writing, to be filed in the department of State, on the question of the power of Congress to prohibit slavery in territories, and on the constitutionality of the 8th section of the act for the admission of Missouri into the Union, and which section applied the anti-slavery clause of the Ordinance of 1787, to more than half of the whole Territory of Louisiana. The questions were momentous. The whole Union was then convulsed on the subject of slavery, growing out of the Missouri controversy. Congress had just passed an act for the admission of Missouri without restriction, but with a prohibition of slavery in all the territory north and west of her. The act was just coming to Mr. Monroe for his approval or disapproval. If approved by him, it became a law at once; if disapproved, the act was defeated forever! for it was known that the constitutional majorities of two-thirds of Congress could not be obtained for the act if disapproved by the President. The whole responsibility of passing or defeating the act, then rested on Mr. Monroe. He felt the magnitude of that responsibility, and saw that it was an occasion to require the gravest advice of his Cabinet. He determined to have their advice and in the most matured and responsible form. The act had passed on the 3d of March. He immediately convoked his cabinet—stated the question—reduced them to writing—gave a copy to each member—and required them to be answered in writing. On the 6th, all the answers were given, and all in the affirmative on both questions; and the act was immediately approved and signed, and became the law of the land. The law bears date on that day—March 6th, 1820. Mr. Calhoun gave his written opinion with the rest, in favor of the constitutionality of the act, and no whisper was ever heard from him to the contrary, or in denial of the right of Congress to prohibit or abolish slavery in territories until the introduction of his fire-brand resolutions, twenty-seven years after his cabinet opinion had been given. These resolutions were brought in near the close of the short session of 1846-'7, and were intended for general debate at the session of 1847-'8,—the long session which preceded the Presidential election—and to make a chance for himself at that election by getting up a test which no northern man could stand. But that general debate never came on. Before the time had ripened for it, the cabinet opinions of 1820 had been found out, and were produced in the Senate to the confusion of Mr. Calhoun, and utter prostration of his resolutions. They were first produced by Mr. Westcott, of Florida, and afterwards by Mr. Dix, of New York. The proofs were in writing, and to the point, and from two different witnesses—and the two, above all men in the world, the most competent and credible to testify in the case—Mr. Monroe and Mr. Adams—both dead, but both speaking from the tomb, and in the highest form known to the law of evidence—that of recorded evidence, written down at the time as the true history of a fact, and without the slightest expectation that it was ever to be used against any human being. Mr. Monroe's testimony was in his own hand writing, obtained from his son-in-law, and consisted of two pieces—one being the interrogatories propounded to his cabinet, and the other the autograph copy, or draft of a letter to a friend. The interrogatories were endorsed thus: "*Interroga-*

*tories Missouri, March 4, 1820.*" "*To the heads of Departments and Attorney General*" The interrogatories themselves were in these words:

"Has a Congress a right under the powers vested in it by the Constitution to make a regulation prohibiting slavery in a Territory?"

"Is the 8th section of the act which passed both Houses on the 3d instant for the admission of Missouri into the Union, consistent with the Constitution?"

With these questions was an original draft of a letter in Mr. Monroe's hand writing, not dated, signed, or addressed to any one, but supposed to be written to General Jackson, which letter shows that these two questions were put to Mr. Monroe's cabinet, were answered by them in writing, and that they were unanimous in answering the questions in the affirmative. This is the letter:

"DEAR SIR: The question which lately agitated Congress and the public has been settled, as you have seen, by the passage of an act for the admission of Missouri as a state, unrestrained, and Arkansas likewise when it reaches maturity, and the establishment of 36d. 30m. north latitude as a line, north of which slavery is prohibited, and permitted to the south. I took the opinion in writing of the administration as to the constitutionality of restraining territories, [and the vote of every member was unanimous and\*] which was explicit in favor of it, and as it was that the 8th section of the act was applicable to territories only, and not to states when they should be admitted into the Union. On this latter point I had at first some doubt; but the opinion of others, whose opinions were entitled to weight with me, supported by the sense in which it was viewed by all who voted on the subject in Congress, as will appear by the journals, satisfied me respecting it."

The words in brackets were crossed out by running the pen through them, and the word explicit substituted—a substitution evidently made to avoid violating the cabinet rule, not to tell the opinions of members, which the word unanimous would do. But the word explicit is sufficient. Taken in connexion with the rest of the paper—with the result—and with the (almost) thirty years silence of Mr. Calhoun, and that word is equivalent to the word unanimous. For it is not to be presumed that Mr. Calhoun was omitted in the address of the questions—or that he failed to answer, and to answer as the President required, in writing—or, that failing to answer, it would not have been noted—or, answering negatively, it would not have been equally noted—or, above all, that differing from Crawford and other southern men on this delicate point, he would not have let the secret out at the time, or produced since as an evidence of his guardianship over southern interests, and as a proof of his precious consistency. The presumption against him, and the absence of all these concomitants of dissent, are proof positive that he concurred with the rest of the cabinet at the time, and never thought of denying it until caught fast and hard in the fixed fact of a killing contradiction.

But the other piece of writing is still more close and stern than the letter of Mr. Monroe. It is the diary of Mr. Adams, written down at the time, and clear and pointed in every particular—the questions, the answers, the unanimity, the writing of the answers, and their deposit in the Department of State. The extract from this diary, furnished and certified by the son, Mr. Charles Francis Adams, is in these words:

Extracts from the Diary of J. Q. Adams.

"March 3, 1820—When I came this day to my of-

face, I found there a note requesting me to call at one o'clock, at the President's house. It was then one, and I immediately went over. He expected that the two bills, for the admission of Maine, and to enable Missouri to make a constitution, would have been brought to him for his signature; and he had summoned all the members of the administration to ask their opinions in writing, to be deposited in the Department of State, upon two questions: 1. Whether Congress had a constitutional right to prohibit slavery in a territory? and 2. Whether the eighth section of the Missouri bill (which interdicts slavery forever in the territory north of 36 $\frac{1}{2}$  latitude) was applicable only to the territorial state, or would extend to it after it should become a state? As to the first question, it was unanimously agreed that Congress have the power to prohibit slavery in the territories."

"March 5—The President sent me yesterday the two questions in writing, upon which he desired to have answers in writing, to be deposited in the Department of State. He wrote me that it would be in time, if he should have the answers to-morrow. The first question is in general terms, as it was stated at the meeting on Friday. The second was modified into an inquiry whether the eighth section of the Missouri bill is consistent with the constitution. To this I can, without hesitation, answer by a simple affirmative and so after some reflection, I concluded to answer both. \* \* \* \* \*

"March 6—\* \* \* \* \* I took to the President my answers to his two constitutional questions and he desired me to have them deposited in the department together with those of the other members of the Administration. They differed only as they assigned their reason for thinking the eighth section of the Missouri bill consistent with the constitution because they considered it as only applying to the territorial term, and I barely gave my opinion, without assigning for it any explanatory reason. The President signed the Missouri bill this morning."

This testimony leaves no room for doubt or quibble. It is clear and positive at all points. It was overwhelmingly conclusive. Mr. Calhoun should have surrendered. His evil genius, and the fix he was in as the leader of a party founded on new ideas, the reverse of his old ones, and the disease of incoherence, made him hesitate and deny, not directly, but argumentatively, and in the way of non-recollection. He could not remember—and he could not believe that he could have given a written opinion in such an important matter without remembering it!—Unhappy man! he did not perceive that this species of argumentative denial was far stronger the other way! that it would have been far more difficult to have forgotten his opinion, if he had stood alone in the cabinet, dissenting from all the rest, and disobeying the President's command to answer! This would have been the thing difficult to have been forgot, and still more difficult to have been concealed! Sensible of the damage he had done himself by this non-recollection, Mr. Calhoun undertook to rehabilitate himself by assuming to know all about the compromise, and by giving a statement of it which was intended to convince the Senate that his memory was good, and entitled to credit in opposition to all the testimony against him. He began with characteristic assumption of knowing every thing, and ended by showing that he knew nothing. He said:

"I know well all about the compromise; the cause which led to it, and the reason why, that the northern men who voted against it were universally sacrificed for so doing. It is quite a mistake, as some suppose, that they were sacrificed for voting for the compromise. The very reverse is the case. The cause I will proceed to state: During the session

of the compromise, Mr. Lowndes and myself resided together. He was a member of the House of Representatives, and I was Secretary of War. We both felt the magnitude of the subject—Missouri, at the preceding session, had presented herself for admission as a member of the Union. She had formed a constitution and government, in accordance with an act of Congress. Her admission was refused on the ground that her constitution admitted of slavery; and she was remanded back to have the objectionable provision expunged. She refused to comply with the requisition, and at the next session again knocked at the door of Congress for admission, with her constitution as it originally stood. This gave rise to one of the most agitating discussions that ever occurred in Congress. The subject was one of repeated conversation between Mr. Lowndes and myself. The question was, what was to be done and what would be the consequence if she was not admitted. After full reflection we both agreed that Missouri was a state—made so by a regular process of law, and never could be remanded back to the territorial condition. Such being the case, we also agreed that the only question was, whether she should be a state in or out of the Union? and it was for Congress to decide which position she should occupy. My friend made one of his able and lucid speeches on the occasion; but whether it has been preserved or not, I am not able to say. It carried conviction to the minds of all, and in fact settled the question. The question was narrowed down to a single point. All saw that if Missouri was not admitted she would remain an independent state, on the west bank of the Mississippi, and would become the nucleus of a new confederation of states, extending over the whole of Louisiana. None were willing to contribute to such a result; and the only question that remained with the northern members who had opposed her admission was, to devise some means of escaping from the awkward dilemma in which they found themselves. To back out or compromise, were the only alternatives left; and the latter was eagerly seized to avoid the disgrace of the former; so eagerly, that all who opposed it at the north were considered traitors to that section of the Union, and sacrificed for their votes."

Every part of this statement is erroneous, and to such a degree as to destroy all reliance upon Mr. Calhoun's memory. He says that during the compromise session he and Mr. Lowndes resided together, and that at the preceding session Missouri had presented her constitution, made under the act of Congress, and applied for admission into the Union. Now this is error. The constitution of Missouri followed, and did not precede the compromise act. That act was passed March 6th, 1820, the constitution framed under it was signed July 19th of the same year; and was presented to Congress in the month of November following—Congress in that year having met on the second Monday in November. Here then is an error of a year in point of time, and a transposition of events in point of fact. The constitution of Missouri was made after the compromise, and in pursuance of it; and not to know that much was to know nothing at all about it. Mr. Calhoun says the admission was refused, and the constitution remanded back, because it admitted slavery in Missouri. This is great error. The act of Congress under which the Missouri constitution was made admitted slavery in Missouri, and her constitution could not be, and was not, refused on that ground. The admission was not refused for that cause, nor for any thing like it, nor for any thing in relation to slavery, but the direct opposite—for a clause in relation to free people of color, and by which, it was contended, the

citizens of other states might be prevented from removing to the state of Missouri. The clause was this: "*To prevent free negroes and mulattos from coming to, and settling in this state, under any pretext whatever.*" The provision was found in clause 4, section 26, of article 3, of the constitution, and was objected to as being inconsistent with the constitution of the United States, and the rights of the states, as in some of those states free people of color might be citizens. This was the clause objected to, and not the one sanctioning slavery. Mr. Calhoun says the constitution was remanded back to the state to have the slavery clause expunged. It was not remanded for the purpose of having any thing expunged, but the contrary—to have something added—to obtain the legislative assent of the state to the joint resolution of the two Houses of Congress, declaring that the clause in question should never be so construed as to exclude from settlement, and the rights of citizenship, the citizens of other states emigrating to Missouri. Mr. Calhoun says the state refused to comply with the requisition of Congress. This is more error. The state complied immediately; the legislative assent to the required construction of the objectionable clause being given on the 26th day of June, in the same year. He says the state knocked again with her constitution at the door of Congress at the next session, and that this gave rise to the most agitating discussion that ever took place in Congress. This is the very error of the moon. The state never applied to Congress again, but was admitted in the recess, and before next meeting of Congress, and by proclamation from President Monroe. The proclamation was issued the 10th of August, 1820, in pursuance to the joint resolution of Congress of the second of March of that year, expressly framed to save the state from applying to Congress again, by referring it to the President to proclaim her admission as soon as she assented to the required construction of the obnoxious article. The fact is, that Congress did not refuse to admit the state at all—on the contrary, passed a joint resolution at her first session of the presentation of the constitution, for her admission "*on a certain condition*"—on compliance with which condition her admission was to be complete, without further proceeding on the part of Congress, and was to be so proclaimed by the President. All this appears in the legislative history of the country, and was authentically recited in the proclamation issued on the occasion. This is the proclamation:

WHEREAS the Congress of the United States, by a joint resolution of the 2d day of March last, entitled "*Resolution providing for the admission of the state of Missouri into the Union on a certain condition,*" did determine and declare—"That Missouri should be admitted into this Union on an equal footing with the original states, in all respects whatever, upon the fundamental condition that the fourth clause of the 26th section of the 3d article of the constitution submitted on the part of said state to Congress, shall never be construed to authorise the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the states of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which each citizen is entitled under the constitution of the United States: *Provided*, That the legislature of the said state, by a solemn public act, shall declare the assent of said state to the said fundamental condition, and shall transmit to the President of the United States, on or before the first Monday in November next, an authentic copy of said act; upon the receipt whereof the President by proclamation shall announce the fact, whereupon, and without any

further proceedings on the part of Congress, the admission of the said state into this Union shall be considered complete: *And whereas*, by a solemn public act of the Assembly of the said state of Missouri, passed on the 26th of June, in the present year, entitled "*A solemn public act declaring the assent of this State to the fundamental condition contained in a resolution passed by the Congress of the United States, providing for the admission of the state of Missouri into the Union on a certain condition,*" an authentic copy whereof has been communicated to me, it is solemnly and publicly enacted and declared, that that state has assented, and does assent that the 4th clause of the 26th section of the 3d article of the constitution of said state, "*shall never be construed to authorise the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the United States shall be excluded from the enjoyment of any of the privileges and immunities to which such citizens are entitled under the constitution of the United States: now, therefore*, I, James Monroe, President of the United States, in pursuance of the resolution of Congress aforesaid, have issued this my proclamation, announcing the fact, that the said state of Missouri has assented to the fundamental condition required by the resolution aforesaid: WHEREUPON the admission of the state of Missouri into the Union is declared to be complete.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at city of Washington, the 10th day of August, 1821, and of the Independence of the United States of America, the 46th.

JAMES MONROE."

By the President,  
JOHN QUINCY ADAMS,  
Secretary of State."

Now this proclamation was issued from the cabinet of which Mr. Calhoun was a member, and appears to have been as completely forgotten by him as were the cabinet decisions of the same year in favor of the power of Congress to legislate upon the subject of slavery in territories, and to abolish it in territories; for that was the effect of the compromise act of 1820. He actually forgets that Missouri was admitted upon a proclamation, issued from the cabinet council of which he was a member! and goes on to substitute the wanderings of his imagination for the legislative history of the country, in giving a supposed circumstantial account of what took place between himself and Mr. Lowndes, after the second rejection of the Missouri constitution, and which led to the conclusions which, according to him, produced the compromise. "*To back out, or compromise, was the only alternative left; and the latter was eagerly seized upon to avoid the disgrace of the former.*" So says Mr. Calhoun: and so saying, he postpones the compromise a whole year, and couples it with an event to which it does not belong, and makes it the effect of a cause which never existed. It is postponed from the session '19-'20 to the session '20-'21; and it is connected with the final admission of Missouri, after she had become a state, instead of being connected with the preliminary act which authorized her to form a state constitution. Never was such blundering seen! It is even questionable whether he is not mistaken in the statement that he and Mr. Lowndes resided together at the time that Missouri presented her constitution. He says they did. My impression is to the contrary—that Mr. Calhoun lived with his family at that time, (session of '20-'21) in D street, and Mr. Lowndes in a boarding house. It is also questionable whether Mr. Lowndes did much towards passing the joint resolution under

which the state was admitted. He was in declining health at that time; and although he spoke once in favor of the admission after the constitution was presented, and spoke with the manly sense and patriotic feeling which belonged to him, yet he soon ceased to attend, and went abroad for his health, and died. It was Mr. Clay who consulted me about the joint resolution, and with whom I agreed that it would answer the purpose, and gave my opinion that the state would agree to it immediately, which she did. By that joint resolution the question of admission was not to come before Congress again, and did not, and was purposely framed to avoid a second appearance of the state at the bar of Congress; so that all this story of Mr. Calhoun's about the manner in which the compromise was seized, to avoid disgrace, after the rejection of the constitution, is a mere figment of the brain, coined for the purpose of getting out of the cabinet council of March 6th, 1820. Far better to have confessed what was proper—to have admitted the truth of Mr. Monroe's and Mr. Adams's disinterested testimony—and to have taken the ground of a change of opinion since that time. That would have been the discreetest course. But, oh, the disease of consistency! that malady of his mind! and the hard fate of a leader, almost affecting the prophet, and bound under all circumstances, to maintain his infallibility in the eyes of his followers, under the awful penalty of losing dominion over them.

Some search has been made in the department of state for the written opinions of the cabinet, without finding them: but that weighs nothing against the positive testimony that they were put there. The wonder would be to find them after 27 years, and so many changes of clerks; and it is to be remembered that no one of Mr. Monroe's cabinet has been Secretary of State since that time but Mr. Calhoun.

The fact is established—established by the rules of evidence which convince the human mind, even the most unwilling—that Mr. Calhoun, as a cabinet minister under Mr. Monroe, supported the constitutionality of the Missouri compromise act.—This fact being established, let us see what that act was; and that will be shown by the title to the act—by the act itself—and by the actual condition of the territory in which it was to operate. This is the title:

“An Act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories.”

A very intelligible title this, especially in the concluding cause, and enough to have startled Mr. Calhoun, if he had held the same doctrines on the powers of Congress then, which he professes now. The act itself was in these words:

“Sec. 8. That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36 degrees 30 minutes north latitude, not included within the limits of the state contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of the crimes whereof the parties shall have been convicted, shall be, and hereby is, forever prohibited.”

Such are the words of the act—the very words of the Wilmot Proviso, and if any modern copyist is to supersede Mr. Jefferson in the paternity of that proviso it should be John C. Calhoun, and not Davy Wilmot! It should be called the Calhoun Proviso!

and that for many and cogent reasons. In the first place, he was nearly thirty years ahead of Davy in the support of this proviso. In the second place, his position was higher, being a Cabinet Minister, and his voice more potent, being a southern man. In the third place, he was part of the *veto* power where three voices were a majority; Davy only a member of the legislative power, where it requires a majority of both houses to do anything. In the fourth place, Calhoun was successful, Davy is not. Finally, Davy's proviso is a weak contrivance to prevent slavery from being where it is not, and where it never will be; Calhoun's proviso was a manly blow to kill slavery, where it then existed, by law, and where it would now exist in point of fact, if that blow had not been struck. The proviso of Mr. Calhoun actually abolished slavery where it existed by law—in all the upper half of Louisiana—from 36—30 to 49, and from the Mississippi to the Rocky Mountains—over a territory nearly a thousand miles square—nearly a million square miles—enough to make twenty states of 50,000 square miles each—more in fact than all California, New Mexico and Oregon put together. Over all this vast territory the proviso, supported by Calhoun, abolished slavery—abolished it, then existing by law—and shut it up from the slave emigration of the south. And now what becomes of the *dogma*, in his mouth, and that of his followers, so recently invented, of no power in Congress to legislate upon the subject of slavery in territories? what becomes, in their mouths, of the new fangled point of honor, just felt for the first time in thirty years, of insult to slave states in their exclusion from settlement to the territories bought by the blood and treasure of the whole Union? Louisiana was a territory, and Congress legislated upon slavery in it, and legislated slavery out of a million of square miles of it, and Mr. Calhoun supported that legislation. Louisiana was a territory acquired by the treasure, if not by the blood, of the whole Union; and the proviso of 1820, supported by Mr. Calhoun, shut up one half of it from slave emigration. If that is insult, he and his followers have stood being insulted most remarkably well for about thirty years; and, perhaps, would consult their own self-respect, and lose nothing in public opinion, if they should continue standing it with like fortitude, for the remainder of their lives.

I do not quote this conduct of Mr. Calhoun in giving the answer which he did to Mr. Monroe's interrogatories, for the purpose of vindicating the right of Congress to prohibit or abolish slavery in territories. When I feel it necessary to vindicate that right I shall have recourse to very different authority from that which can be quoted on every side of every question it ever touched. I quote it for a very different purpose, for the purpose of shutting up the mouths of his followers as completely as it shut up his own from the day he was confronted with it. From that day to the present he has never mentioned his resolutions! never called for that vote upon them which he declared himself determined to have when he introduced them.

In giving his cabinet support, where his voice was so potential to the abolition of slavery over a million of square miles in Louisiana, Mr. Calhoun did more than any one man has ever done towards abolishing slavery in the world. Holding, as he then did, the one fifth part of the veto power, and commanding as his position was, as a southern man and a cabinet minister—a leading cabinet minister—the largest question ever started of free or slave soil, was then in his hands; and he decided it in favor of freedom. It was an immense boon to the anti-slavery party, then so numerous and ardent; but it was not the only service



which he then rendered them. Texas was then ours—a part of Louisiana—to the lower Rio Grande; large enough to form six great, or ten common states. It was all slave territory, and looked to as the natural outlet of the southern states, with their great increasing slave population. It was given to the King of Spain—given away by treaty, and that treaty the work of Mr. Monroe's cabinet—Mr. Calhoun being a member. And here there is no room for denial and non-recollection. For a long time Mr. Adams bore the blame of that cession. A friend of Mr. Calhoun reproached him with it in the House of Representatives. Mr. Adams was then alive, and present, and soon vindicated the truth of history. He showed that there was a division in the cabinet, upon the point; he was against it—Mr. Calhoun for it—and Mr. Calhoun being a southern man, and the majority of the cabinet southern, he carried the day, and Texas was lost. I was not then in public life, but I wrote against that act, blaming Mr. Adams when I should have blamed Mr. Calhoun. By that cession the expansion of slavery was stopped; the growth of slave states in the southwest was stopped; three hundred and fifty thousand square miles subject to American slavery, was cut off from American dominion, and presented to a foreign king. This was another great gratification to the abolitionists; but it was not all. There was a strip of land, about large enough for two states, lying upon the Arkansas and Red rivers, and between Texas and the 36 deg. 30 min. of north latitude. This strip, having escaped the compromise line on one side, and the Texas cession on the other, was open to the formation of two respectable slave states. Mr. Calhoun was then still cabinet minister—Secretary at War—had the Indians under his care—and was riding the hobby of their civilization. He required this strip to be given up to the Indians for their permanent abode; and thus it, also, was lost to the slave states. All Louisiana was then gone from them except the fragment which was contained in the States of Missouri and Louisiana, and in the territory of Arkansas. Even this fragment appeared to be too much to be left to the slave states, and a slice forty miles wide, and three hundred miles long, was cut off from Arkansas and given to the Indians; and the slaveholders with the slaves upon the slice, were required to remove from the cut off part, and fall back within the contracted limits—This was done by the Indian treaty—the treaty negotiated by a *protege* of Mr. Calhoun's. He was then Vice President of the United States, and President of the Senate—I was a member of the Senate—opposed to the ratification of this treat—and came within one or two votes of defeating it. The slightest help from Mr. Calhoun would have defeated it, and saved the slave state of Arkansas that territory, and those salt springs, the loss of which she now has to lament. Taken all together—the compromise—the Texas cession—the Indian domain and the slice from Arkansas, and Mr. Calhoun did more, in less time, to abolish slavery, diminish its area, and increase that of free soil, than any man that has ever appeared on the face of the earth; and of this the anti-slave party of the north were fully sensible, and duly grateful. They gave proof of their gratitude. Mr. Calhoun was then candidate for Vice-President of the United States: he became the favorite of the north—beating even Mr. Adams, himself, on the free soil track. He beat him six votes in New York—ran head and neck with him through New Hampshire, Vermont and Rhode Island—was even through Massachusetts—and came a nose ahead on the northern track. He actually beat Mr. Adams in abolition states—and with justice. He had done more than him for free soil, and with more merit, being himself

an inhabitant of slave soil. I told him all this in my first *Calhounian*, in the Senate of the United States, four days after he put in his fire-brand resolutions, in my speech to show him to be the true author of the Mexican war. This is what I then said to him:

"This conduct of the senator, in giving away Texas when we had her, and then making war to get her back, is an enigma which he has never yet condescended to explain, and which, until explained, leaves him in a state of self-contradiction, which, whether it impairs his own confidence in himself, or not, must have the effect of destroying the confidence of others in him, and wholly disqualify him for the office of champion of the slaveholding states. It was the heaviest blow they had ever received, and put an end, in conjunction with the Missouri compromise, and the permanent location of the Indians west of the Mississippi, to their future growth or extension, as slave states, beyond the Mississippi. The compromise, which was then in full progress, and established at the next session of Congress, cut off the slave states from all territory north and west of Missouri, and south of thirty-six and a half degrees of north latitude; the treaty of 1849 ceded nearly all south of that degree, comprehending not only all Texas, but a large part of the valley of the Mississippi, on the Red River, and the Arkansas, to a foreign power, and brought a non-slaveholding empire to the confines of Louisiana and Arkansas; the permanent appropriation of the rest of the territory for the abode of civilized Indians, swept the little slaveholding territory west of Arkansas, and lying between the compromise line and the cession line; and left the slave states without one inch of ground for their future growth. Nothing was left. Even the then territory of Arkansas was encroached upon. A breadth of forty miles wide, and three hundred long, was cut off from her, and given to the Cherokees, and there was not as much slave territory left west of the Mississippi as a dove could have rested the sole of her foot upon. It was not merely a curtailment, but a total extinction of slaveholding territory; and done at a time when the Missouri controversy was raging, and every effort made by northern abolitionists to stop the growth of slave states. The senator from South Carolina, in his support of the cession of Texas, and ceding a part of the valley of the Mississippi, was then the most efficient ally of the restrictionists at that time; and deprives him of the right of setting up as the champion of the slave states now. I denounced the sacrifice of Texas then, believing Mr. Adams to have been the author of it; I denounce it now, knowing the senator from South Carolina to be its author; and for this—his flagrant recreancy to the slave interest in their hour of utmost peril—I hold him disqualified for the office of champion of the fourteen slave states, (for Delaware cannot be counted,) and shall certainly require him to keep out of Missouri, and to confine himself to his own bailiwick, when he comes to discuss his string of resolutions."

In these terms, I reproached him to his face for his recreancy to the slave states, when he was catering for free soil votes. He was forced to answer, and to admit the vote in Mr. Monroe's cabinet, in favor of giving away Texas, and in conformity to which vote the treaty was made; but with respect to the Missouri compromise and the abolition question, he gave an answer which appeared to be plausible then, but which has turned out to be one of the most unfortunate of his life. He said, in his reply to me:

"I have now met, and, I trust, successfully repelled, all the charges made by the senator from Missouri, except those relating to the Missouri compromise, and the abolition question at that period, for which I am in no way responsible. I was not then in Con-

gress. I filled the office of Secretary of War at the time, and had no agency or control over it."

This was the answer—the whole that he chose to give. I did not then know of the proofs of the cabinet consultation, and of his opinion at the council table in answer to Mr. Monroe's two questions. The proofs had not then come to light, and he was safe for the time, in disclaiming all responsibility for the Missouri compromise, and the consequent abolition of slavery by a law of Congress, in upwards of one-half of all Louisiana; he was safe in taking refuge under the declaration that he was Secretary of War, and not a member of Congress, and, consequently, had no agency in this act, or any control over it.—This was a plausible answer at the time; and he stood acquitted for the moment. The discovery of the proof the next year, (1848) reverses the acquittal—establishes his agency in the Missouri compromise act, his control over it, and his responsibility for it—true, he was not a member of Congress in 1820, to give a vote amounting to but little among two or three hundred others, for or against the Missouri compromise, but he was a cabinet minister to give a heavy vote, one in five, for or against its approval. He was not a part of the legislative power, but he was of the veto power; and he gave his vote for the approval, and against the veto. This shows that he had agency in the question, and control over it, and is responsible for it. Considering his position as a southern man, and his weight in Mr. Monroe's administration, and he is the responsible man for that act. The majority of the cabinet were southern, and if he had made the stand then which he does now, he must have vetoed the act—on the contrary he went for it, and passed it—passed the act of Congress legislating upon slavery in territories, and abolishing it over a million of square miles—and now treats such a law as a violation of the constitution, and an insult to the slave states, for which nullification, disunion, and civil war are the proper remedies!

I am mortified to dwell upon Mr. Calhoun. It is neither my habit, nor my pleasure to speak of men. In near thirty years that I have been in Congress I have never brought the name of any man before the public. I am now forced to do it. Mr. Calhoun's resolutions are those of the Missouri Legislature.—They are identical. One is copied from the other.—When the original is invalidated, the copy is of no avail. I am answering his resolutions, and chose to do it. It is just and proper that I should do so. He is the prime mover and head contriver. I have had no chance to answer him in the Senate, and it will not do to allow him to take a snap judgment upon me in Missouri, and carry disunion resolutions in my own state which he has been forced to abandon in the Senate. Duty to the country requires me to answer him, and personal reasons reinforce that public duty. He has been instigating attacks upon me for twenty years—ever since I stood by Jackson and the Union in the first war of nullification. His Duff Green Telegraph commenced upon me at the same time it did upon Jackson, and for the same cause—because we stood by the Union! Last summer, in his own state of South Carolina, where I never was, he dragged my name and that of Gen. Houston before his constituents, and denounced us in a public speech, and held us up to a public reprobation. He accused us of defection to the south—the interpretation being that we would not join him in his scheme of a southern convention, to array one half of the Union against the other, and form a southern confederacy. It was an audacious attack upon two absent gentlemen, and who, as senators, were entitled to senatorial courtesy from him. Neither General Houston nor myself thought it right to suffer such an attack to pass

with impunity; but we did not think the floor of the Senate the proper place for replying to an attack made out of doors. The forum of our respective states was deemed the proper place. He had assailed us before his constituents, and we determined to answer him before ours. Gen. Houston has replied.—He did so during the past session of Congress, in a published address to his constituents. It was published while Mr. Calhoun was in the city, and where he might answer it if he pleased. He did not so please. He stood mute—as if the antagonist was not worthy of notice—a privilege of dignity which did not belong to him after he had begun the attack. He said nothing; and in that he did better than when he denied his support of the Missouri compromise act.—He did well in saying nothing. It was a case in which public attention should not be raised by controversy. Houston soon showed what the charge of "defection" meant, and then carried the war into Africa. He charged him with his designs against the Union for twenty years past, and supported what he said by an array of facts which could neither be explained away nor denied. That address of Houston's should be republished by the papers friendly to the Union. It is full of truth and patriotism—worthy of the disciple of Jackson—and killing to Calhoun. He did well not to fix public attention upon it by replying to it. I told Houston that I should reply in a speech to my constituents; and that I am now doing.

This is one of my personal reasons for dwelling on Mr. Calhoun: but I have another, which I will now state. In the year 1844, as it will be remembered, when my fifth election was coming round there was an organization against me in the State, supported by every Calhoun man, and every Calhoun newspaper in the State, and in the United States. There was a coincidence in their operations which showed that they worked by a pattern. I knew at the time where it all came from; and the source has since been authentically revealed to me. There is a law in the moral world by which "murder will out." By virtue of that law one of those who were employed to do the work upon me, and who was then a stranger to me, and afterwards repented, revealed the plot to me, and placed in my hands an original letter of instructions, of which this is an extract:

"With regard to the course of your paper, you can take the tone of the Administration from \* \* \* I think, however, and would recommend that you would confine yourself to attacks upon Benton, showing that he has allied himself with the whigs on the Texas question. Quote Jackson's letter on Texas, where he denounces all those as traitors to the country who oppose the treaty. Apply it to Benton. Proclaim that Benton, by attacking Mr. Tyler and his friends, and driving them from the party, is aiding the election of Mr. Clay; and charge him with doing this to defeat Mr. Polk, and insure himself the succession in 1848; and claim that full justice be done to the acts and motives of John Tyler by the leaders. Harp upon these strings. Do not propose the union; "It is the business of the democrats to do this, and arrange it to our perfect satisfaction? I quote here from our leading friend at the south. Such is the course which I recommend, and which you can pursue or not, according to your real attachment to the Administration." \* \* \* \* \*

"Look out for my leader, of to-morrow, as an indicator, and regard this letter as of the most strict and inviolate confidence of character."

I read this extract to Mr. Calhoun in the Senate of the United States, in February, 1847—four days after his fire-brand resolutions were introduced. He said he did not write it. I know he did not. Neither did he

write the papers of the A. B. plot against Mr. Crawford, nor the resolutions of the last Missouri General Assembly. He is no such bungler as that. When a paw is to go into the fire, he prefers that of any cat, or dog, to his own. But he was Secretary of State under Tyler at the time, and had dominion over three hundred newspapers, to each of which the same instructions were issued. They were intended for their guidance in the Presidential election, and in the state elections of 1844; and especially for my own, which was coming on. I only read the extract which is special to myself. How well the instructions were obeyed was seen in this state, and in other states, and in all the presses and politicians which followed the lead of "*our leading friend at the south.*" Benton—Clay—Whigs—Texas—Harp upon these strings, and harp they did, until the strings were worn out; and then the harps were hung upon the willows. Now a new set of strings are furnished, and from the same "*leading friend at the south,*" and the music recommences to the old tune set to new words—Benton—Whigs—Abolitionism—Wilmot Proviso"—are now the strings, and harp away again the word! and harp away they will, the old performers and some new ones, until the drooping willows shall again claim the appendage of their tuneless instruments.

I owe an apology to General Jackson's memory for reading a letter in which he is quoted against me. It was unjust to him, and would have been mortifying, to see his name quoted against one of his best friends by one of his greatest enemies. I never mortified his feelings by letting him know that I had heard how his name had been used; but when near his end I sent him a kind message by Major Lewis, which he returned in the most affectionate terms, and which I think it right here to repeat. After giving an account of his visit to him, and how he found him, Major Lewis continues:

"He enquired after many old friends, and among them yourself, desiring to know when I had seen you last, and how you were. I told him that I had seen you but a few days before I left Washington, and that you were well, and at the same time delivered to him your message. He was evidently much affected, when I had repeated what you had desired me to say to him. After a short pause, he said: '*I thank the Colonel for his kind recollection of me in my old age and sore afflictions; it would give me great pleasure to see him once more, but that I fear is impossible, as my life is rapidly drawing to a close.*' Here he again paused, and then added: '*The Colonel was not only an able and distinguished statesman, but a warm and sincere patriot, and his country is under great obligation to him. I feel grateful for the able and efficient support he gave me during the whole of my Administration, and I beg you when you next see him to remember me to him, and thank him in my name for his kind and affectionate message.*' These, I believe, my dear sir, are his precise words; for, as they were spoken with much feeling, and in a deep and solemn tone of voice, they made an impression on my mind that can never be effaced."

This is my second personal reason for dwelling on Mr. Calhoun. It is to repel his attacks upon me. Public duty, in the Senate of the United States, would have required me to reply to his resolutions, if he had ever called them up there. Their passage through the Missouri Legislature makes it still more my duty to do so. These resolutions are his! copied from his, with such exactitude of ideas, that some transposition of clauses, and some variation of phrase, can deceive no one. It only betrays a design to disguise, where disguise is impossible. I have read the original: here is the copy:

#### "RESOLUTIONS ON THE SUBJECT OF SLAVERY"

*Resolved, by the General Assembly of the State of Missouri,* That the federal constitution was the result of a compromise between the conflicting interests of the states which formed it, and in no part of that instrument is to be found any delegation of power to Congress to legislate on the subject of slavery, excepting some special provisions, having in view the prospective abolition of the African slave trade made for the securing the recovery of fugitive slaves; any attempt, therefore, on the part of Congress, to legislate on the subject, so as to affect the institution of slavery in the states, in the District of Columbia, or in the territories is, to say the least, a violation of the principles upon which that instrument was founded.

2. That the territories, acquired by the blood and treasure of the whole nation, ought to be governed for the common benefit of the people of all the states, and any organization of the territorial governments excluding the citizens of any part of the Union from removing to such territories with their property, would be an exercise of power, by Congress, inconsistent with the spirit upon which our federal compact was based, insulting to the sovereignty and dignity of the states thus affected, calculated to alienate one portion of the Union from another, and tending ultimately to disunion.

3. That this General Assembly regard the conduct of the northern states on the subject of slavery, as releasing the slaveholding states from all farther adherence to the basis of compromise fixed on by the act of Congress, of March 6, 1820—even if such act ever did impose any obligation upon the slave-holding states, and authorises them to insist upon their rights under the constitution; but for the sake of harmony and for the preservation of our federal Union, they will still sanction the application of the principles of the Missouri compromise to the recent territorial acquisitions, if by such concessions future aggressions upon the equal rights of the states may be arrested, and the spirit of anti-slavery fanaticism be extinguished.

4. The right to prohibit slavery in any territory, belongs exclusively to the people thereof, and can only be exercised by them in forming their constitution for a state government, or in their sovereign capacity as an independent state.

5. That in the event of the passage of any act of Congress conflicting with the principles herein expressed, Missouri will be found in hearty co-operation with the slave-holding states, in such measures as may be deemed necessary for our mutual protection against the encroachment of northern fanaticism.

6. That our senators in Congress be instructed, and our representatives be requested to act in conformity to the foregoing resolutions."

The Calhoun resolutions were entitled, "The rights of Congress over the territories of the Union in relation to slavery," and were introduced into the Senate, February, 1847. Those of the Missouri Legislature were entitled, "Resolutions in relation to slavery," and were introduced December, 1838—the object of both, the same, to deny the right of Congress to prevent, or prohibit slavery in territories, and to denounce a dissolution of the Union if it did. One was parent to the other, and I presume no man will deny it. And here I make the exception which truth and justice requires from me. I have no idea that the mass of the members who voted for the resolutions in the last General Assembly, had any idea that they were Calhoun's, or considered the dissolution of the Union which they announced, as a thing in actual contemplation. But they are not the less injurious on that account. They are the act of the General Assembly, and stand for the act of the state, and bind it to the ear of Mr. Calhoun, and encourage him more than

any event that has taken place. But they are not the sense of the state, nor even the sense of all the members who voted for them. The true sense of the state, and, I doubt not, of a large majority of the members of the last Legislature, was faithfully expressed in the resolves and instructions of the previous Legislature, which I had received and obeyed, not only in the letter, but in the spirit. These are they:

“Joint Resolution in relation to the Missouri Compromise Act, of 1820.

“Resolved, That the peace, permanency and welfare of our national Union, depend upon a strict adherence to the letter and spirit of the 8th section of the act of Congress of the United States, entitled, ‘An act to authorize the people of the Missouri Territory to form a Constitution and State Government, for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories,’ approved March 6th, 1820.

“Resolved, That our Senators in the Congress of the United States are hereby instructed, and our representatives requested to vote in accordance with the provisions and the spirit of the said eighth section of the said act, in all the questions which may come before them in relation to the organization of new territories, or states out of the territory now belonging to the United States, or which hereafter may be acquired, either by purchase, by treaty, or by conquest.”

The resolves passed the General Assembly of Missouri on the 15th day of February, 1847—just four days before Calhoun brought into the Senate of the United States his fire-brand resolutions, which I denounced upon the spot—which have been adopted by the Missouri Legislature at the last session, and from which I now appeal to the state—the whole state. How different—how irreconcilably hostile to each other—the two sets of resolutions! One makes the peace, permanency, and welfare of our national Union, dependent upon strict adherence to the spirit and terms of the Missouri Compromise, in its application to new territory—that is to say, upon the constitutional right, and the equitable exercise of that right, to legislate upon slavery in the new territory, and to admit it in part, and prevent it in part; the other makes the dissolution of the Union dependent upon the same platform of fact and principle—denying the right of Congress to permit, or prohibit, slavery in a territory—asserting its prohibition to be a violation of the constitution of the United States—an insult to the sovereignty of the states—and tending to the dissolution of the Union. Sad contradiction this, when the same remedy is both to cure and to kill! and although the political doctors may prescribe both, yet, surely, the political patient who has taken one, has a right to talk a little with the doctors before he swallows the other.

Yes, citizens! Congress has the power to legislate upon slavery in territories, and to admit, or prohibit, its existence, in fact, to compromise it. She has the constitutional power, but can never hereafter exercise it. The new dogma of no power in Congress to legislate on the subject, has killed all compromise.—Those who deny the power cannot vote for it; it would be a breach of their oath. Those who want no slavery in the new territories, will not vote for compromise; and thus extremes meet—combine against the middle—and defeat all compromise. The resolutions of Mr. Calhoun have done this; and to talk about compromise now, is to propose to call Methuselah from his tomb. The effect, if not the design, of his new dogma, was to kill compromise—and dead it is. The constitution will not permit him and his fol-

lowers to vote for any compromise line. Opposition to the extension of slavery will not permit northern men to do it, and thus there is no chance for any line. Principle cannot be compromised. The Missouri Compromise was not of a principle, but of interests after the principle was established. The first question put by Mr. Monroe to his cabinet, was, as to the constitutional power of Congress over the subject. That being established in the affirmative, the application of the principle was matter of detail and of expediency.

I have shown that Mr. Calhoun supported the abolition of slavery in the territory of Louisiana; I have now to show that he did the same thing in a state—in the state of Texas. The case was this: In the session of 1844-45, two resolutions were adopted for the admission of the state of Texas—one, single and absolute, with the Missouri compromise in it; the other authorizing negotiations with Texas for her admission on an equal footing with the original states.

The Senator from South Carolina was then Secretary of State, and virtually President of the United States; and in that capacity he seized upon the absolute resolution, selected it, and applied it the State of Texas, and thus ran the Missouri compromise line through that state, thereby abolishing slavery in a state—in a part of a state—making one part of the same state free soil, and one part slave soil, and so it stands at this day! Before that act of Mr. Calhoun, the whole state of Texas was slave soil—made so by the laws and constitution of Texas. The question with our Congress was, how to admit her consistently with her rights as a sovereign state! The House resolution imposed a restriction—an abolition, in fact, of slavery, in all her territory above 36° 30', and that was a great deal; for the state extended in one part to 42 degrees; the Senate amendment imposed nothing, but proposed to treat with Texas, and to admit her upon agreed terms. Mr. Calhoun seized upon the House resolution, and adopted it, and hereby adopted the Missouri compromise, and imposed it, not upon a territory, but upon a state. He abolished slavery in a state! and in this he carried abolitionism further than any barnburner ever proposed; for they limit their abolitionism to territories. This Mr. Calhoun did, and did as late as March the 3d, 1845. There is no dispute about it. Gen. Houston charged him with it in his circular address, to his constituents at the late session of Congress. Every body was struck with the force of the accusation, and looked out anxiously for Mr. Calhoun's reply. They looked in vain. He did not reply, and could not. Confession would do no good, and denial would make it worse. The fact was notorious, and of public record. He could not throw the blame upon Tyler, for he had often boasted in the Senate that he, himself, had selected that resolution.

I repeat: I do not cite this conduct of Mr. Calhoun in abolishing slavery in a part of Texas, as authority to justify abolishing slavery in states, but to show that he went farther than any “northern fanatic” has ever proposed to go; and further, that up to that date, March 3, 1845, he had not invented his new doctrine of no power in Congress to legislate upon slavery in territories; and still further, to show that up to the same period, he had not felt the pricking of that point of honor—the insult to the slave states, in being excluded with their property from the soil which their common blood and treasure won. Texas was all won, as well north as south of 36 degrees 30 minutes, by the same blood and treasure—the taxes of the people and the blood of Goliad, the Alamo, and San Jacinto. And yet there were citizens of the same state excluded, by the act of Mr.

Calhoun, from removing with their property from one part of it to another!

And now I have arrived at a point which claims particular attention. It will be remembered by all that after the rejection of the Texas treaty in '44, various propositions were submitted in Congress for her admission, and that every proposition contained some plan for dividing her into free and slave territory. Every body will remember this. Now, I do not recollect a single instance in which the constitutionality of such propositions were disputed, or a single instance in which it was deemed an insult to the slaveholding states to see slavery excluded from any part of it. These propositions were particularly numerous in the session of 1844-5, which ended with two propositions, enacted into two alternative resolutions—one to run the compromise line through the state, the other to negotiate with her upon the subject. Mr. Calhoun selected the former—a full proof that neither himself, nor the majority of the two Houses of Congress, nor the President of the United States, who approved their resolutions, saw any thing in them either unconstitutional or insulting to the slave states, or tending to disunion.

I, myself, made one of these propositions. It was to divide by a parallel of longitude. It proposed to Texas that she should surrender to the United States all the territory west of the 100th parallel of longitude, which was to be free soil—that on the east side to be slave soil. I proposed to limit slavery by a line north and south, and that upon negotiation with Texas; and if any person wishes to know my principles about the extension of slavery west into New Mexico, they may see it in that proposition. I thought it right then; and do not change my opinions of right to suit calculations or circumstances. What is more, I never heard of any body that thought I was wrong then; and the only difference between my position and Mr. Calhoun's act, was that I was in favor of limiting slavery by a line drawn north and south, and that by negotiation with the state to be attached. Mr. Calhoun divided the free and slave soil of the state itself by a line drawn east and west, and accordingly did so divide it; and the state so stands at this day. The difference between us was the difference between a longitudinal and latitudinal line, and between taking the boundary of a state, upon negotiation with her, for the boundary between free and slave soil, and running the line through the state itself.

It is absurd to deny to Congress the power to legislate as it pleases upon the subject of slavery in territories; it has exercised the power, and with the sanction of all authorities, state and federal, from the foundation to the present time, and never had it been questioned until Mr. Calhoun put forth those unfortunate resolutions, from which he had to back out under his own mortifying contradictions. It is absurd to claim it for the territories. They have no form of government but that which Congress gives them, and no legislative power but that which Congress allows them. Congress governs the territory as it pleases, and in a way incompatible with the constitution, and of this any state that has been a territory is a complete example, and our own as much so as any.

Congress has the power to prohibit, or admit slavery, and no one else. It is not in the territories; for their governments are the creatures of Congress, and its deputies, so far as any legislative power is concerned. It is not in the states separately; and this leads to one of the grossest delusions which has grown out of the political metaphysics of Mr. Calhoun. He claims a right for the citizens of the slave states to remove to New Mexico and California with their

slave property. This is a profound error. The property is in the law which creates it, and the law cannot be carried an inch beyond the limits of the state which enacts it. No citizen of any state can carry any property, derived from a law of that state, an inch beyond the boundary line of the state which creates it. The instant he passes that boundary, to settle with his property, it becomes subject to another law, if there is one, and is without law if there is not. This is the case with all—with the northern man, with his corporation and franchises—with the southern man and his slaves. This is the law of the land, and let any one try it that disputes it. We, in Missouri, are well situated to make the experiment conveniently, and in all its forms. Let any one of Mr. Calhoun's followers try it, and he will soon see what becomes of his property, his slave property. Let him remove to Iowa; he will meet there the 8th section of the act of Congress of March 6th, 1820—the Calhoun proviso; and will in vain invoke state rights and Missouri statutes. Let him remove to Illinois; he will find there the Jefferson proviso, in the form of the ordinance of 1787. Let him remove to Kentucky; the law of Kentucky takes hold of his slaves, and converts the chattel interest of the Missouri slave into real estate; for, in Kentucky, slaves are now made real estate, and placed on the footing of land, as they are in Louisiana. Let him move into Arkansas, his chattel slave will remain chattel, but by virtue of Arkansas law, and subject to its regulation. Finally, let him remove west, and settle in the territory of Nebraska, when it shall be created; and the Calhoun proviso will be on him again, and his property will evaporate. Thus a citizen of Missouri cannot get out of his own state, on any one of its four sides, with his slave property, without having its character altered, or holding it by another law; and twice he will lose it—on two sides of his state—on contiguous territory—he will lose it under an act of Congress, which became a law under the advice and opinion of Mr. Calhoun, in his high character of cabinet minister, and assisting at a council armed with the veto power. This is the case of the Missouri citizen, and has been ever since Missouri was a state; and no one ever thought the state sovereignty insulted, or felt himself bound to dissolve the Union on account of it.

No! the citizens of the states cannot carry the laws of their states with them to Oregon and California; and if they could, what a *Babel* of slave law would be there! Fourteen states, each carrying a code different, in many respects, from each other; and all to be exercised by the same judges, in territories where there is no slave law. What absurdity! No such thing can be done. The only effect of carrying slaves there would be to set them free. It would be in vain to invoke the constitution, and say it acknowledges property in slaves. It does so: but that is confined to states.

And now we arrive at substance—at a practical point. Congress has the constitutional power to abolish slavery in territories; but she has no slave territory in which to exercise the power. We have no territory but the remainder of Louisiana north and west of Missouri,—that in California, New Mexico and Oregon,—and that north of Wisconsin, now Minnesota. In Louisiana, north and west of us, it was abolished by Congress in 1820. In the territory north of Wisconsin, now Minnesota, it was abolished by the Jefferson proviso of 1787. In Oregon it was abolished by Congress in 1848, by what you may call the Benton proviso, if you please. In New Mexico and California it was abolished by the Mexican government in 1829—confirmed in 1837, and again in 1844. Here are the decrees, the originals of which I have read in

the authentic bound volumes of the Mexican laws, and which were produced in the Senate of the United States by Mr. Dix. of New York.

[Translation.]

### ABOLITION OF SLAVERY.

"The President of the United Mexican States to the inhabitants of the republic:

"Desiring to signalize, in the year 1829, the anniversary of independence by an act of national justice and beneficence, which may tend to the benefit and support of so important a good; which may strengthen more and more the public tranquillity; which may co-operate in the aggrandizement of the republic; and which may restore to an unfortunate portion of its inhabitants the sacred rights which nature gave them, and the nation protected by wise and just laws, in conformity to the provision of the 30th article of the constitutive act; exercising the extraordinary powers which are conceded to me, I do decree:

1. Slavery is abolished in the republic.

2. Those who until to-day have been considered slaves are consequently free.

3. When the condition of the treasury will permit, the owners of the slaves will be indemnified in the manner which shall be provided for by law.

Mexico, 16th September, 1829, A. D.

JOSE MARIA DE BOCANEGRA.

### Laws of 1837.

[Translation.]—Slavery is forever abolished, without any exception, in the whole republic; April 5th, 1837. [Collection of Laws and Decrees of the General Congress of the United Mexican States, volume 8, page 201.]

[Translation.]—The masters of slaves manumitted by the present law or by the decree of the 15th of September, 1829, shall be indemnified, &c. [Collection of Laws and Decrees, &c., vol. 8, page 201.]

This is the decree, and this is the act of Congress confirming it, abolishing slavery throughout the Mexican Republic. The Constitution of 1844, does not abolish slavery, for that was done before, but prohibits future establishment. Thus, there is no slavery now in Mexico and California; and consequently none in any territory belonging to the United States; and consequently, nothing practical, or real, in the whole slavery question, for the people of the United States to quarrel about. There is no slavery now by law in any territory; and it cannot get thereby law, except by act of Congress; and no such act will be passed, or even asked for. The dogma of, no power in Congress to legislate upon slavery in territories, kills that pretension. No legal establishment of slavery in California and New Mexico is then to be looked for. That is certain. Equally certain it will never be established in either of them in the point of fact. The people of both territories—the old inhabitants—are unanimous against it.

Of the new emigrants, all those from Europe, Asia, Mexico, Central and South America, and all those from the non-slaveholding part of the United States, will be unanimously against it. There remains, then, to overbalance all this unanimous mass, only the emigrants\* from the slaveholding parts of the United States—in itself the smallest branch of the emigration, and it divided on the question—many going for the express purpose of getting rid of slavery—and very few so far in love with it as to go that distance for the pleasure of having a lawsuit with his own negro, and with the certainty of coming out second best in the contest. There is, then, no slavery, at this time, either in New Mexico or California, in law or in fact; and will never be either in law or in fact.

What, then, is all the present uproar about? Abstraction!—the abstract right of doing what cannot be done!—the insult to the sovereignty of the states, where there is no insult!—all abstraction! and no reality, substance, or practice in it.

The Romans had a class of disputes which they called *de lana caprina*—that is to say, about goat's wool; and as the goat has no wool, the dispute was about nothing. So it is of this dispute among us about excluding slavery from New Mexico and California. There is none there to exclude, and the dispute now raging is about nothing.

The Missouri resolutions were copied from those of Calhoun; and I do not believe there exceeded half a dozen members in the two Houses, all told, who were in the secret, either of the origin or design of that proceeding. They were copied from Calhoun; and to see their design you must know his. His were aimed at the Union—at the harmony and stability of the Union—and at the members from the slaveholding states who would not follow his lead—myself especially. This makes it my duty to speak to him, and to show his design in bringing forward the resolutions from which he was so suddenly backed out in the Senate, and which some half a dozen members have succeeded in passing through the Missouri Legislature. This carries me rather far back, but I will make rapid work, and short work.

Mr. Calhoun came into public life to be President of the United States. The weird sisters, in the shape of the old man that taught him grammar, had whispered in his ear—*thou shalt be President*. Upon that oracular revelation he commenced his political career, and has toiled at its fulfilment for forty years—at first openly, and it may be fairly, by putting himself at the head of all the movements which promised advancement in the public favor. In 1816 protection of domestic industry was popular: he put himself at the head of the protective policy, and went for the minimum provision—the cotton minimum—which was the father of all the rest, and the only real injury to the cotton growers, by suppressing for thirty years that class of cotton goods which was of most universal use, and of the largest cotton consumption—the corduroys and velvets, so universally worn before 1816—so totally suppressed under the Calhoun minimum of that year—and just beginning to appear again under the tariff of 1846. At the same time (1816) a national bank—the state banks having failed, and brought odium on the state institutions—was much called for; Mr. Calhoun put himself at the head of the call, and carried through the bank charter.

About the same time internal improvement, by the federal government, became popular: he seized upon the subject; and in 1823, as Secretary of War, made an elaborate report in favor of a general system of roads and canals, pervading all parts of the Union. In 1819–20 the Missouri controversy raged, and the whole north stood up as one man for curtailing the area of slave soil: he took the free soil current—and expunged slave soil from all the territories of the United States by joining in the abolition of slavery in Upper Louisiana, giving Texas to the King of Spain, and giving the rest of Louisiana to the Indians. At the same time Jackson became the favorite of the people for President: he withheld and postponed his own pretensions to the presidency, became the advocate of Jackson, went upon his ticket, and was elected Vice President with him. But this was the end of his popular movements to gain the presidency. He expected to succeed Jackson, and that he would only have to wait and serve eight years. That was only one year longer than Jacob had to wait, and serve Laban for Rachel. But oh! the disappointments in love and politics! Like Jacob, when he woke up, he



found it was Leah! a little magician of the north had got into the bed, and was to be Jackson's successor! Unlike Jacob, he could not wait and serve another long eight years, and determined to clutch the prize at once.

Then came nullification No. 1, (pretextured by that tariff of which he himself was the main author,) and that scheme for dissolving the Union which Jackson's proclamation put down. The tariff failed to bear him through: a more inflammable subject was wanted—and was found in the sensitive question of slavery. Then came that long succession of abolition plots for blowing up slavery in the United States, compared to which all the popish plots in England for blowing up the Protestant religion—the gunpowder, rye-house, meal tub, and other plots, so formidable in their day,—were tame and impotent inventions. First, there was the London abolition plot of Ashbel Smith, John Andrews, and Lord Aberdeen, for lighting the train of abolition in Texas, and thence running it into the United States, where it was to explode and blow all up! and to prevent which it became a case of "self-defence," admitting of no delay, to jerk Texas instantaneously, by treaty, out of their hands, before the plot was ripe—something like jerking the fuse out of the loaded bomb before it would explode.

The treaty did not stand the jerk, and was broke; and the plot evaporated without harm. Duff Green had been paid a thousand dollars by the Tyler administration, out of the United States treasury, for bringing that plot from London; but it was money lost. Then came the World's Convention plot, also located in London, for the abolition of slavery throughout the world—the United States inclusively, but it came up feebly, and had no run. Then came the incendiary transportation mail matter plot: and that, for a while, threatened to break up the transportation of the mails, and to leave the two halves of the Union in a state of non-intercourse. It ripened into a bill for searching the mails; and then expired. Then came the incendiary petitions plot: that occupied the time of Congress for several years, and considerably alarmed the country, until everybody saw that it was a game, performed by two sets of players, playing into each others hands, for their own benefit at home, and getting up an agitation of which the public peace and the public business was the victim. It then died out. Thus all the abolition plots—pretexts for a second nullification—failed. They were what the New York law reform statute, abolishing latin, interprets the writ of *ne exeat* to be—no go.

In the meantime, there was an episode which will require a full history some day, but which can only be hinted at now, to complete the picture. It happened that after Mr. Van Buren's election, Mr. Calhoun became a sort of a supporter of his administration; and, upon the principle that one good turn deserves another, expected his support for the succession. That involved a scheme for northern votes. There was a slave subject which prevented it—the liberation of American slaves by the British authorities in the Bahama islands who had revolted against their owners, committed murder and piracy, and carried their master's vessels into British ports. When these enormities occurred, Mr. Calhoun took up the cause of the south with justice and vehemence, and I stood by him. When he took it into his head to become Van Buren's successor, he abandoned the south, and left me and a few others alone, by the side of the ill-fated owners of the Comet, Encomium, Creole, Enterprise, and others.

In his new-born zeal then to please the north, he shot ahead—he must always be ahead—beating Woodbury, Buchanan, and other northern senators in his votes and speeches on the northern side of the

question. Some view of this may be seen in my speech on the Ashburton treaty; but the subject requires a separate examination, and shall receive it, but not now. It will be a curious episode, and will place Mr. Calhoun a second time where he was in 1819-'20—on the northern side of the slavery question; but only for a brief space. Mr. Van Buren preferred to try to be his own successor; and the Texas treaty having gone over without making its author President, and the Mexican war promising a large crop of popular Presidential candidates, a new political test became necessary; and the tariff question being settled by the act of 1846, a recourse to slavery and abolition became indispensable. Hence the firebrand resolutions of 1847—a firebrand which has had the singular fate of dying out where it was put, and of raising a conflagration a thousand miles off.

The design of these resolutions then point directly to the subversion of the Union. It is their language. And for what cause? For a cause so absurd and unfounded, so contradicted by his own conduct, and by the whole action of the government from its foundation to the present day, that, being confronted with his own conduct, he has never dared to ask a vote upon his resolutions.

I have no new opinions to express about the design of these resolutions. I gave my opinion of them at the time they were introduced, and in many ways, and among the rest in a letter to the people of Oregon, and another to the people of Howard county. The people of Oregon had formed a provisional government, and inserted in their articles of government, a fundamental act for the prohibition of slavery, copied from the Jefferson proviso of 1787. The House of Representatives passed a bill in the session of '46-'47, to establish a territorial government for Oregon, sanctioning their articles of government with the proviso against slavery in it. This bill was defeated in the Senate just twelve days after Mr. Calhoun brought in his firebrand resolutions; and in giving an account of that defeat to the people of Oregon, in a letter which was then published, I said:

"Your fundamental act against that institution, copied from the ordinance of 1787—the work of the south in the great day of the south prohibiting slavery in a territory far less northern than yours—will not be abrogated! nor is that the intention of the prime-mover of the amendment. Upon the record, the judiciary committee of the Senate is the author of that amendment; but not so the fact. That committee is only midwife to it. Its author is the same mind that generated the 'firebrand resolutions,' of which I send you a copy; and the amendment is its legitimate derivation. Oregon is not the object!—The most rabid propagandist of slavery cannot expect to plant it on the shores of Pacific in the latitude of Wisconsin and the Lake of the Woods. A home agitation, for election, and disunion purposes, is all that is intended by thrusting that firebrand question into your bill; and, at the next session, when it is thrust in again, we will scourge it out."

A home agitation for election, and disunion purposes, is what I told them the object of these resolutions was. Cass and Butler were defeated upon tests framed out of these resolutions; but the election part of the object was against all northern men, and to bring forward Mr. Calhoun himself as the southern candidate. Failing in this object to get himself nominated, the next design of the resolutions came into play; and this brings me to the meeting of southern members of Congress got up and conducted by Mr. Calhoun. It was a meeting with closed doors—every citizen, not an actual member from a slaveholding state, was excluded—even Mr. Bibb, of Kentucky, a former

Senator, and who was turned out under the special decision of Mr. Calhoun himself. Members came upon invitation. I was not invited, and would not have gone if I had been. Gen. Houston was not invited, but went without invitation, and moved the opening of the doors to the public, which was voted down. I have been told that disunion was expressly discussed; and that would seem to flow, as a regular consequence, from the fundamental proposition of the original address, drawn by Mr. Calhoun, and assimilating its importance to the declaration of wrongs which separated the American Colonies from Great Britain, and give a higher importance to the present crisis, as going beyond the former, and involving not merely rights, but life and property—every thing—the safety of the south, and all. The paragraph which contained this declaration was this:

“We whose names are hereunto annexed, address you in discharge of what we believe to be a solemn duty on the most important subject ever presented for your consideration, not excepting the declaration which separated you and the other United Colonies from the parent country. That involved your independence; but this your all, not excepting even your safety. We allude to the conflict between the two great sections of the Union, growing out of a difference of feeling and opinion in reference to the relation existing between the two races—the European and African—which inhabit the southern section, and the acts of aggression and encroachment to which it has led.”

From this strong language, exalting the crisis above that of the revolution, it would naturally be supposed that the remedy was to be the same; and so it was understood by many, and the words struck out. The same conclusion would seem naturally to result from a concluding part of the address, in which unanimity was invoked, consequences disregarded, the Union treated as hypothetically worse than useless, called a sword to assault, and not a shield to defend, and in which it was left to the north to count its value. This is the paragraph which contained these expressions:

“As the assailed, you would stand justified by all laws, human and divine, in repelling a blow so dangerous, without looking to consequences, and to resort to all means necessary for that purpose. Your assailants, and not you, would be responsible for consequences. [It would be for them, and not for you, to count the value of the Union. Without your rights, it would be worse than useless—a sword to assault, and not a shield to defend you !”]

The most significant of these phrases were struck out, doubtless because they more than squinted—in fact looked straight—at disunion. The striking out of these passages shows that the majority of the meeting dissented from Mr. Calhoun's views, and caused to be expunged from his address the anti-union passages. The majority were doubtless in favor of preserving the Union; but that is not the present inquiry. The present inquiry is into Mr. Calhoun's designs—his designs in his resolutions of February, 1847; and every thing that occurred in the meeting, and especially the passages expunged from his address, show that his deliberate design was what his resolutions hypothetically imported—the subversion of the Union. The paragraph assimilating the condition of the south in relation to the north to that of the colonies at the declaration of independence, was awfully significant, and dreadfully false. No wonder it was expunged.

Compare the list of grievances which he drew up, and which constituted the staple of his address that was published—compare this with the list of grievances against Great Britain, drawn by Mr. Jefferson

and prefixed to the declaration of independence—and then see what truth there was in Mr. Calhoun's reckless comparison. According to his assertion the southern grievances were not only equal, but greater than those enumerated by Mr. Jefferson. The declaration of independence is in every house; but there is another place where the list is more perfect—the preamble to the constitution of Virginia—also drawn by Mr. Jefferson, and where an item suppressed in the national declaration of independence, to gratify some extreme southern friends, was retained in all its vigor by his native state. That item was this. “By prompting our negroes to rise in arms among us—those very negroes, whom, by an inhuman use of his negative, he hath refused his permission to exclude by law.”

What a contrast! The king's refusal to authorize the exclusion of slaves from Virginia, then one of the causes of separation, inserted in her declaration of wrongs, prefixed to her constitution—the nominal exclusion by law of slavery from a territory where it is not, and cannot be, now a cause of separation of the southern from the northern states! Surely the Father of his country had, in his mind's eye, this address of Mr. Calhoun when, in his farewell to his children, he warned them against the misrepresentations of designing men who, for their own ends, would raise up sectional differences for the purpose of alienating one part of the Union from another. His prophetic vision foresaw the present state of things when he wrote this paragraph:

“In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern—Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection.”

This malediction of the father of his country falls upon Calhoun—falls upon the twenty years' promoter of hatred and alienation between the north and the south. But, why multiply proofs. From the fullness of the heart, the mouth speaketh! and for twenty years the mouth of Calhoun has poured forth the language of disunion. Surely the Holy Scriptures are right: and deadly enmity to the Union must be in that heart from which its death knell is daily sounded.

Mr. Calhoun is balked in his mode of proceeding. He finds a difficulty in the first step. The experience of the first nullification has convinced him that one state, and that a small one, is too narrow a foundation to build upon. He needs a broader foundation; and ever since the Texas annexation treaty of 1844, he has manoeuvred for a southern convention, in order to unite all the southern states under his control. He wants a convention. He is great upon a small body—where he can work upon individuals in detail and by units. He is great then. A southern convention was his plan at the rejection of the Texas treaty in 1844; I contributed to break up that plan. At the passage of the Oregon bill, in the summer of 1844, he tried for the convention again; and a subscription paper was cautiously circulated in the House of Representatives for signatures. It was “no go.” But few subscribers were got, and the paper was suppressed.



This brings us to the last winter's work—the meeting convoked of the members of Congress from the slaveholding states. Its object has been stated, and I do not repeat it. I only name it as a part of the machinery for getting up a southern convention. It was in fact a sort of southern convention itself—a caucus convention—intended to pave the way for the real convention, and to call it. It was intended to combine whigs and democrats, and bring the whole under the control of the head contriver. It was a failure. The whigs hauled off from it: only a part of the democracy remained, and many of them for innocent and laudable purposes. Nothing came from this congress convention but an emaculated address, deprived of the venom in its head, and of the sting in its tail, and proposing nothing. The contrivance for the southern convention had failed again: and his last resource was in state legislatures, and county meetings. The fire brand resolutions were to be adopted in state legislatures, and county meetings got up to stimulate the people. I omit other states.—The resolutions were adopted in Missouri immediately after the failure of the Congress caucus, and after the publication of the address—about as soon as they could be known. The resolutions had laid in a torpid state all winter. They slept during the time they should have been awake, and in my hands at Washington, if they were intended for my guidance. They were passed after Congress adjourned, and the county meetings immediately started. This was in accordance to the practice elsewhere; and, if they still go on, should conform to Accomac, which have at least the merit of doing a wrong thing in the right way. They propose a convention of the state, to be called at a special session of the general assembly, to decide fundamentally on the course of action. That, at least, is consulting the people fairly, and giving them a chance to decide understandingly. This is their resolution:

“Resolved, That the danger of the state and the safety and welfare of the people of Virginia call for a convention, to be assembled as soon as the Legislature can pass a bill for that purpose, to determine upon the whole question of encroachment by the Federal Government, and by the ‘Free Soil’ states and the people of the north, on the institution of slavery in the states, territories and districts of the United States, that it is full time for the state to decide what will be its sovereign action finally, on this subject; and to inform its citizens and subjects whether they will be authorized to resist, if they are required by Federal Legislation to submit to the oppression of a majority in Congress, and that a State Convention, organized according to law, can best settle the rule of conduct for the citizen.”

The Accomac meeting reports its proceedings to Mr. Calhoun; and that is right again. He is the chief of the movement, and his adjuncts should report to him.

I deem it most unfortunate that the General Assembly of Missouri should have adopted Mr. Calhoun's resolutions. I am certain not six members of the body had the *scienter* of their origin and design; or meant harm to the country or myself. But that is no impediment to their evil effect. They are the act of the General Assembly. Upon the record, they are the will of the state. Abroad, they are the pledge of the state to back Mr. Calhoun in his designs—to put the state under his lead—and to stop my opposition to his mad career. And, although I know that the event will deceive his hopes, yet the mischief will be done, in the fatal encouragement he will receive, before another General Assembly can correct the error.

I consider my proposition—the one with which I

commenced my speech—now made good; namely, that the Resolutions of the General Assembly of which I complain are copied from those of Mr. Calhoun—that to understand *their design*, you must understand *his design*—and that, from the words of his own resolution, and from his conduct for twenty years past, the subversion of the Union is intended. In the execution of this design I cannot be an instrument, nor can I believe that the people, or the mass of the General Assembly wish it; and I deem it right to have a full understanding with my constituents on the whole matter.

I, therefore, appeal from the instructions I have received, because they are in conflict with instructions already received and obeyed—because they did not emanate from any known desire, or understood will of the people—because they contain unconstitutional expositions of the Constitution which I am sworn to support—because they require me to promote disunion—because they pledge the state to co-operate with other states in eventual civil war—because they are copied from resolutions hatched for great mischief, which I have a right to oppose, and did oppose in my place of Senator in the Senate of the United States, and which I cannot cease opposing without personal disgrace and official dereliction of public duty—and because I think it due to the people to give them an opportunity to consider of proceedings so gravely affecting them, and on which they have not been consulted.

I appeal to the people—the whole body of the people. It is a question above party, and should be kept above it. I mean to keep it there.

And now I have a secret to tell, in relation to these resolutions, which I have guarded long enough. I marked their first appearance in the General Assembly, knew their origin and design, and determined to let them go on. It so happens that there are a few citizens in this state, successors to those who have passed away, and who are denominated, in the Accomac resolutions, adjuncts to Mr. Calhoun. The denomination is appropriate. Adjunct (English) is from *ad* and *junctus* (Latin) and signifies *joined to*; which this set of citizens seems to be, both soul and body, with respect to their southern leader.

These few are in a state of permanent conspiracy against me, either on their own account, or that of their “*leading friend at the south*,” or both, and hatch a perpetual succession of plots against me. To go no farther back, I refer to the summer of 1843, and the plot on the Texas Annexation question, which I will call the Jews-harp plot, in consideration of the music which was to be then made upon that instrument, and to discriminate it from others. That plot showed its head, but it hid itself afterward. It failed, and its contrivers went back into their perpetual state of incubation. When the Calhoun resolutions were moved in the General Assembly, and that was at the commencement of the session, I saw that a new plot was hatching, and determined to let it quit the shell. I knew that if I gave hint of what they were about—if I had communicated the title of what I have said to you to-day, it would have stopped the proceeding. But that would have done me no good. It would only have postponed and changed the form of the work. I determined to let it go on, and to do nothing to alarm the operators; and for that reason wrote not a word—not a word on the subject—to any one of the hundred members who would have blown the resolutions sky high if they had known their origin and design. I did not even answer a letter from my friend who sits there (Lieut. Gov. Price). The resolutions were introduced at the very beginning of the session; they lay torpid until its end.

The plotters were waiting for the signal from the

"leading friend"—waiting the Calhoun address. The moment they got it, they acted, although it was too late for the resolutions to have the effect of instructions. They were passed after Congress had adjourned, and after it must have been believed that the subject to which they relate had been disposed of; for it was notorious that the territorial government bills were in process of enactment, and in fact they only failed after midnight on the last night of the session, and that on disagreement between the two Houses; and their failure, on the 3d of March, was not known at Jefferson on the 7th—the day of passing the resolutions. It was too late to pass the resolutions for the purpose of instructing me how to vote at Washington.

It was too late for that; but was early enough for the summer campaign at home; and, therefore, they were passed! and now I have them. I mean the plotters; and between them, and me, henceforth and forever, is a high wall and a deep ditch! and no communion, no compromise, no caucus with them. Nor does it require any boldness, on my part, to give them defiance. There are only a dozen of them—a baker's dozen, perhaps—and half of them outside of the legislature. Woe to judges, if any such there are in this work! The children of Israel could not stand the government of judges; nor can we.

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Citizens! I have finished the view which I proposed to take of the subject which has induced my appeal to the people; but there are other matters upon which my constituents desire to hear from me, and in which desire it is right they should be gratified.

"Barnburner." And what did I go to New York for, last summer, but to use my utmost exertions to prevent Mr. Van Buren and his friends from engaging in the Buffalo Convention? I went there, that is certain. My public speeches show that I went for that object, and the newspapers in the interest of those called barnburners all assailed me for doing so, not with billingsgate and as blackguards, but with keen reproaches for coming out of my state, contrary to the practice of my life, to interfere in the politics of another state, and that against those who had always been my friends.

My answer was, that I came to use the privilege of an old friend—to give my opinion that the separate organization contemplated was wrong in principle, and would be injurious to those engaged in it; and, what was more, injurious to the great party to which they belonged. Such was the object of my visit to New York, and such my reception. The event disappointed my hopes and expectations, and I had my trouble for my pains, and a good deal of newspaper condemnation into the bargain. All this was public and notorious, published in all the newspapers, and known to every body. There is not a man in Missouri that does not know it. And now, what are we to think of the language applied to me? Why, that is a most excellent thing for me. It shows the character of the plotters, and that they will nullify and falsify public recorded history to vilify me.

"The Wilmot Proviso." Well! I think it is the Jefferson Proviso—the same that Mr. Jefferson drew up for the north-western Territory, in 1784; which was adopted in the Congress of the Confederation of 1787, with the unanimous voice of the slaveholding states; was ratified by the Virginia General Assembly the 10th of December, 1788; which was applied by the Congress of 1820 to all the upper half of Louisiana; which was applied by the Congress of 1848 to the Oregon Territory; which was recommended for the new Territories by the Missouri General Assembly, February 15, 1847, and never attempted to be condemned until Friday, (a day of omen,) the 19th of

Feb. 1847, just four days after the date of the Missouri recommendations, when Mr. Calhoun brought in his resolutions declaring it unconstitutional, insulting to the states, and subversive to the Union. I think Mr. Jefferson, and not Davy Wilmot, was the author of this Proviso, and that it should bear his name, and not Davy's.

With respect to the character of the proviso, if it should be prescribed by Congress for any new territory, I think it will remain just what it has been for sixty years—a constitutional provision, made in pursuance of the Constitution; and that, being so made, it is binding upon all law-abiding citizens, and that its resistance by force and arms, militarily, would be treason against the United States, and punishable by death under the laws of the land. With respect to the expediency of the act, there is no necessity for it, and there are prudential reasons why it should not be passed. California and New Mexico are now free from slavery both by law and by fact; and will forever remain free from it, both by law and in fact. As a general proposition, unnecessary laws ought not to be passed; but if it is passed, it is an empty provision, having no practical effect whatever. To make an issue against it between the north and south is unwise, for it is an issue about nothing, and on the part of the south an issue made for defeat, for Delaware has instructed for it; and that insures a majority in the Senate for the proviso, there being already a large majority in the House of Representatives instructed for it.

But there is a stronger reason to claim forbearance. This proviso is the last card in Calhoun's hand! his last stake in the slippery game which he has been playing. Take that last card from him, and his game is up:—bankruptcy comes upon him—political bankruptcy—and he must be driven to take the act. He will have to haul down his sign—close his doors—shut up shop—and give in a schedule of his effects and stock in trade; and a beautiful schedule it will be. Let us see some items of it—a few, by way of sample:

*Imprimis:* United States Bankcharter in 1816—opposition to it when he joined Jackson in 1830—recharter for 12 years to the Bank when he turned against Jackson—1834.

*Item:* Protective Tariff and Cotton Minimum in 1816; and Nullification and Disunion for the same in 1830.

*Item:* General International Improvement by the Federal Government in 1823; denial of the whole power afterward; and admission of half the power at the Memphis Convention.

*Item:* Solemn written opinion in Mr. Monroe's cabinet in favor of the power of Congress to abolish slavery in the territories, and in favor of the exercise of that power over the whole of Upper Louisiana north and west of Missouri, together with the resolutions in the Senate of the United States in 1847, denying that power *in toto*. *Nota Bene:* The written opinion is lost or mislaid, but its existence can be proved, and that is good both in law and equity.

*Item:* Opinion of Mr. Monroe's Cabinet in 1819 in favor of giving away Texas when we possessed her, and the London abolition plot invented afterward to to get up a slavery agitation for political purposes in getting her back.

*Item:* All the abolition plots invented for ten years and charged upon Lord Aberdeen, the World's Convention, incendiary petitions, and incendiary communications through the mail.

*Item:* The Diplomatic correspondence with Foreign Governments on the subject of slavery while Secretary of State under (or over) Tyler, and especially the autograph letter of forty fool-can pages to the King of the French, to indoctrinate him into the new and

sublime science of Negroology.

*Item:* Speeches and resolutions against the conduct of Great Britain in protecting and liberating slaves guilty of piracy and murder on board American ships going from one port of the United States to another, and demands for redress; and subsequent contradiction of all such speeches and resolutions at the Ashburton treaty.

*Item:* New mode of amending the Constitution of the United States on the subject of internal improvement, by making inland seas out of a river and three states—invented at the Memphis Convention.

*Item:* Opposition to the highway of nations between St. Louis and San Francisco, because part of it will have to go through free soil; and besides, when the Union is dissolved the road would be on the wrong side of the line.

*Item:* The bones of 3,000 followers strewed along my political path since the commencement of nullification and disunion in 1830.

*Item:* The army of political martyrs preparing to march to the Southern Convention, preceded by the "forlorn hope" from Missouri, and having for its banner the Aecomac resolutions.

Drive him to the schedule, and the country will have peace?

"My opinions." They are wanted. Heretofore the public acts of public men have stood for their opinions: it has been only the new men, unknown by their acts, that have been subjected to political catechism. Thirty years almost I have been in the Senate and during that time have always been a voter, and often a speaker on this subject of Slavery; and commenced with it in my own State. I was politically born out of a slave agitation—out of the Missouri restriction controversy and have acted an open part on it from the time it began to the present day.

My writings had some influence on the formation of the constitution of this state. They were pretty well known then, though forgotten now. They contributed to keep off restriction, and to insert the clause in the constitution for the sanction of slavery. I urged the putting it in the constitution for the express purpose of giving security to property, and preventing agitation. I wanted peace from the question at home, and contributed to provide for it, by contributing to put that clause in the constitution; and now it is hard that we should have an agitation imported, or transported upon us, to harass us about slavery, when we have taken such care to keep out agitation.

My votes in Congress have been consistent with my conduct at home—non-interference, no agitation—security to property—and tranquility to the people. In thirty years I have not given a vote that has been complained of. I have voted thirty years, avoiding all extremes, and giving satisfaction. The old generation, and the generation that has been born during that time, ought to consider this, so far as to let it stand as the evidence of my opinions. But it will not do. Finding nothing in the past to condemn, some people must go into futurity, to see if any thing can be found there! and even into my bosom, to see if any thing is hid there, which can be condemned.

Very good: they shall know my opinions.—And first, they may see them in my public acts—in my proposals for the admission of TEXAS five years ago, in which I proposed to limit the western extension of Slavery by longitudinal line, I believe the 100th degree of west longitude—next in my votes upon the Oregon bill, in which I opposed the introduction of Slavery there—and, again in my letter to the people of Oregon, in which I declare myself to be no propagandist of Slavery.

These were public acts. But you want public de-

clarations of personal sentiments; very good; you shall have them. My personal sentiments, then, are against the institution of slavery, and against its introduction into places in which it does not exist. If there was no slavery in Missouri to-day, I should oppose its coming in; if there was none in the United States, I should oppose its coming into the United States; as there is none in New-Mexico or California I am against sending it to those territories, and could not vote for such a measure—a declaration which costs me but little, the whole dispute now being about the abstract right of carrying slaves there, without the exercise of the right.

No one asks for the exercise of the right, and cannot ask it in the face of the *dōgma* which denies the power to grant it. States do as they please. These are my principles; and they reduce the difference between Mr. Calhoun and myself to the difference between refusing and not asking. And for this the Union is to be subverted! Oh! metaphysics! political metaphysics! far better stick to the innocent business of amending the constitution by putting three states and a river together!

If any one wishes to know still more about my principles on slavery, I will give him a reference: he may find them in Tucker's edition of Blackstone's Commentaries (appendix to the second volume), where I imbibed, forty-four years ago, when a student at law, and have held fast to them ever since, all the principles of slavery but the remedy, and the difficulty of that is one of the evils itself of slavery, and one of the arguments against one set of people putting it upon another, and a distant set of people, especially while they are lifting their imploring hands against it.

To finish this personal exposition, I have to say that my profession and conduct—no unusual thing with frail humanity—do not agree. I was born to the inheritance of slaves, and have never been without them. I have bought some, but only on their own entreaty, and to save them from execution sales: I have sold some, but only for misconduct. I have had two taken from me by the Abolitionists, and never inquired after them; and liberated a third, who would not go with them. I have slaves now in Kentucky, who were elevated to the dignity of real estate, by being removed from Missouri to Kentucky; and will have to descend next fall to the low degree of a chattel interest in spite of the laws of Kentucky, when I shall remove them back to Missouri. And I have slaves in Washington city—perhaps the only member of Congress who has any there—and am not the least afraid that Congress will pass any law to affect this property either there or here.

I have made no slave speeches in Congress, and do not mean to make them. Property is timid; and slave property above all. It is not right to disturb the quietude of the owner—to harass him with groundless apprehensions. It is a private wrong to disturb a single individual, by making him believe, untruly, that his property is insecure. It becomes a public evil to disturb a whole community. It creates a general uneasiness, generates animosities, deranges business, and often leads to hasty and improvident legislation. I have seen no danger to the slave property of any state in this Union by the action of Congress; and cannot contribute to alarm the country by engaging in discussions which assert or imply danger.

But I have a still higher reason for not engaging in these discussions. We are a Republic—the head of that form of government—and owe a great example to a struggling and agonized world. All the American States of Spanish origin, in spite of the difference of religion, language, manners, customs,

have imitated our example; Europe is now attempting to imitate it.

Liberty is now struggling in ancient empires, and her votaries are looking to us for the exemplification of the blessings of which she is in search, and for an argument in favor of her efforts—what do they see! wrangling and strife, and bitter denunciations, and threats of separation. They see a quarrel about slavery! to them a strange and incomprehensible cause of quarrel. They see slavery and disunion coupled in one eternal wrangle. They see us almost in a state of disorganization—legislation paralyzed—distant territories left without government—insult, violence, outrage on the floors of Congress—disunion threatened. Their hearts are chilled at this sad spectacle; their enemies rejoice at it, and by every mail ship that leaves our shores the representatives of the crowned heads of Europe send forth the record of our debates to encourage the enemies, and to confound the friends of freedom.

France—all parts of Italy—even the papal States; all parts of Germany—even the old and gloomy Empire of Austria—all, all are struggling for liberty, and turning anxious looks to us for aid and succor, not by arms, for that they know to be impossible, but for the moral aid of a grand example. They look in vain. Our example is against them; and if the present struggle for liberty shall again miscarry in Europe, we may take to ourselves a large share of the blame. Once called the model Republic by our friends, we

are now called so in derision by our foes; and the slavery discussions and dissensions quoted as proofs of the impracticable form of government which we have adopted. I cannot engage in such discussions, nor do anything to depress the cause of struggling freedom throughout Europe.

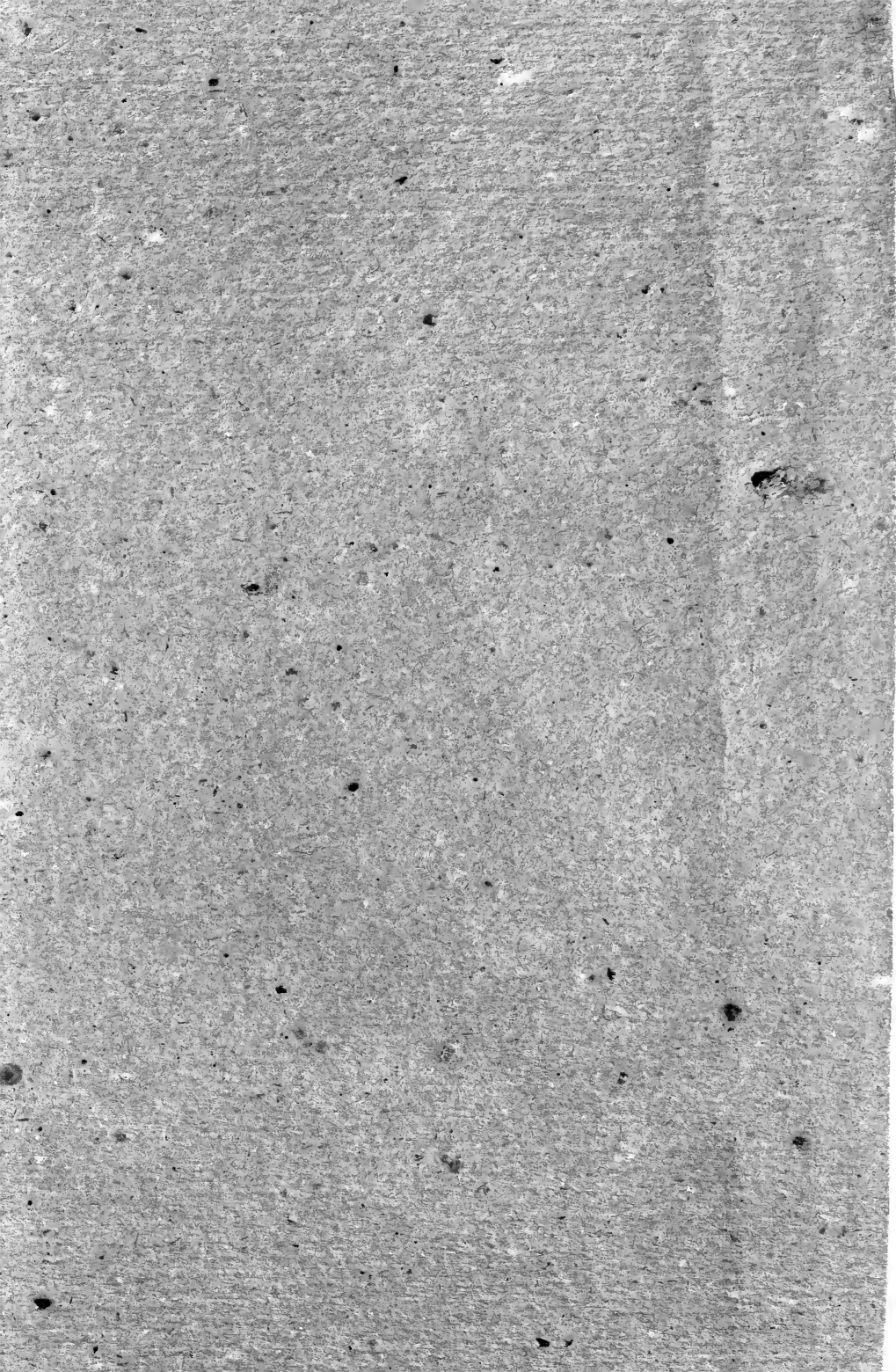
Nor can I disparage the work, or abuse the gift of our ancestors. Never has there appeared upon earth a body of men who left a richer inheritance, or a nobler example to their posterity. Wisdom, modesty, decorum, forbearance, dignity, moderation, pervaded all their works, and characterized all their conduct. They conducted a revolution with the order of an old established government; they founded a new government with the wisdom of ages; they administered it in their day with temperance and judgment. They left us the admiration and the envy of the friends of freedom throughout the world.

And are we, their posterity, in the second generation, to spoil this rich inheritance—mar this noble work—discredit this great example—and throw the weight of the Republic against the friends of republicanism in their deadly struggle? I cannot do it.—Taught to admire the founders of our government in my early youth, I reverence them now; taught to value their work then, I worship it now; a Senator for thirty years, I cannot degrade the Senate by engaging in slavery and disunion discussions. Silence such debate is my prayer; and if that cannot be done, I silence myself.

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